

ney, McKinney, McNeel, Miller, Navarro, Phillips, Williams and Williamson—12.

Senator McNeel moved to fill the blank with Austin.

Yeas. Senators, Bagby, Bourland, Burleson, Cuney, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Phillips, Robinson, Williams and Williamson—14.

Nays. Senators, Grimes, Hogg, Parker, Scott, Wallace and Wood—6.

Senate adjourned until to-morrow morning at 9 o'clock A. M.

SENATE CHAMBER, }
FRIDAY, April, 3, 1846. }
9 O'CLOCK A. M.

Senate met pursuant to adjournment, roll called and a quorum present.

Journal of the preceding day was read and adopted.

Senator Hogg, Chairman of the Judiciary committee, to whom was referred a bill to be entitled "an act to prescribe the time of the biennial meetings of the Legislature of the State of Texas," reported the same back to the Senate with the following amendment, and recommended its passage;

Strike out "December" and insert "November" in the first section. Adopted.

Also, to whom was referred "a bill to designate and officially name the persons who shall be conservators of the peace," reported the same back to the Senate and recommended its passage.

Also, "a bill to regulate motions for costs," reported the same back with the following amendments, and recommended its passage:

In 19th line, 1st section, strike out "ten days" and insert "six months," and strike out all of section 1st after the word "action." Adopted.

Also, "a bill to secure to the State of Texas the customs revenue received or incurred under the laws of the Republic of Texas," reported the same back with the following amendments, and recommended its passage:

Section 1st, 9th line, after "imported" insert "after the 31st

December, 1845, and;" in 14th line strike out the words, "before said date" and insert "between said dates." Section 2nd, 6th line, after "imported" insert "between the 31st December, 1845, and the 16th February, 1846;" in the 13th line strike out "before said date" and insert "between said dates." Amendments adopted.

Also, "a bill to provide for vesting in the State escheated property," reported a substitute for the original and recommended its passage. Substitute adopted.

Senator Grimes, Chairman of the Finance committee, to whom was referred a petition of the citizens of Austin, reported as follows:

AUSTIN, April 1st, 1846.

*To the Honorable Edward Burleson,
President pro tem. of the Senate:*

The committee on Finance, to whom was referred the memorial of sundry citizens of the city of Austin, who were purchasers or holders of city or outlots in said city, praying the Legislature to require the Commissioner of the General Land Office to issue patents to such holders, who had not forfeited the same prior to the 7th December, 1840, without their first paying into the Treasury the amount for which said lots were purchased, and are yet remaining unpaid; have given the subject due deliberation, and believe it would be inexpedient to grant the relief prayed for by the memorialists; from the fact that many purchasers have paid, some two, and three, and some the entire installments on their purchases, whilst others have paid only one. Now to relinquish the demands of the Government against those who have failed to comply with the terms under which they became purchasers, would virtually be giving a premium to defaulters. It would be doing an act of injustice to those who have contributed to the support of Government, by a prompt compliance with their obligations; and an inducement to others who are indebted to the Government, to withhold payment, relying upon the Legislative interference for relief. The purchasers of city and out-lots of the city of Austin, were, by an act of Congress, approved 17th January, 1842, authorized to relinquish the payments that had been made on any lot or lots, and apply the money to the payment of other lots. Congress has extended the time from year to year, for the payment of the purchase money on said city lots. The relief extended by the last act expired on the 22nd January last. Your committee have recommended the pas-

sage of a bill extending the benefit of the act of 1842, to the purchasers of all town or city lots, and to extend the time for one year from the passage thereof.

Your committee when taking into consideration the interests of the State as well as of the memorialists, cannot recommend any other or further relief than what is contemplated in the bill they have recommended, and above referred to.

The memorialists alledge that the property they have purchased, has depreciated in value. Protected as the city of Austin now is from Indian depredation, with the settlements fast extending around and above the same, with the vast enhancement of the value of real estate throughout the State, by the annexation of Texas to the United States, and the great probability that the seat of Government will remain at its present location for many years, it is the opinion of your committee, that instead of the city property having depreciated in value, there is a real and permanent value attached to it now, that did not exist at the time of the sale of the lots.

The memorialists further alledge, that the Government has already received for the lots sold, more than they were worth; but they do not show that each purchaser has contributed his proportional part thereof. The contrary however is evident.

With these evidences and considerations, your committee ask to be discharged from the further consideration of the subject, and that memorialists have leave to withdraw their petition.

JESSE GRIMES, *Chairman.*

Senator Wallace, one of the committee on the Judiciary, to whom was referred a bill defining the duties of Secretary of State, reported a substitute for the original bill, and recommended its passage. Substitute adopted.

Senator Scott, Chairman of the committee on Enrolled Bills, reported that the committee had examined a bill to be entitled "an act to allow defendants to plead a partial failure of consideration," and finding the same correctly enrolled, having been signed, by the Speaker of the House of Representatives and President pro tem. of the Senate, was this day presented to the Governor for his approval. Report adopted.

Senator Wallace introduced a bill, to be entitled "an act requiring Notaries Public to procure a seal of office for the authentication of their official acts." Read first time.

Senator McKinney introduced a bill to be entitled "an act of amnesty and pardon." Read first time.

A message was received from the House of Representatives

informing the Senate that the House had concurred in their amendments to a bill to create the county of Lavacca, and a bill to incorporate the Huntsville Academy.

On motion of Senator Bagby, the Senate proceeded to the

ORDERS OF THE DAY.

On motion of Senator Grimes, the bill to create the county of Walker was taken up. Read third time and passed.

A bill to organize the Supreme Court of the State of Texas, being before the Senate at the adjournment on Thursday.

Senator Wood moved a reconsideration of the vote adopting the substitute for the 2d section.

On motion of Senator Kinney, the motion to reconsider and the bill, were laid on the table until Monday.

Bill to create the county of Denton.

On motion of Senator Williams, the blank in the bill was filled with "Pinckneyville," and the bill read third time and passed.

Bill to establish the Judicial Districts of the District Court. Read 3d time and passed.

Bill to authorize the payment of Government land dues in specie.

Senator Parker moved to insert "or patents" in 2d section. Carried. Bill read third time and passed.

Bill to create the county of Grimes. Read third time and passed.

Bill to be entitled "an act to organize the militia of the State of Texas."

Senator Scott offered the following amendments:

In sixth section, insert "that the Governor shall have power to appoint one aid-de-camp in each Major General's Division, with the rank of Colonel of Cavalry." In eighth section strike out "cavalry" and insert "infantry." Adopted.

Senator Wallace moved to insert in the 17th section, "to the Judge of the County and Probate Court." Adopted and bill read third time and passed.

Bill to be entitled "an act to organize the District Courts," on report of the Judiciary committee. Amendments adopted and bill ordered to be engrossed.

Bill to be entitled "an act for the appointment of patrols."

Senator Phillips offered the following amendment: In section 2d, 3d line, after the word "division," insert "owners of negro property." Rejected.

Senator McKinney offered the following amendment:

"And also to apprehend any white person who may be found in any negro quarter associating with or participating in common with the slaves of such assemblage or quarter, in amusements or associations, without having the permission of the master or owner of such slaves, and carry such person or persons before any Justice of Peace in the district, who shall be fined for the first offence not less than five nor more than fifty dollars, and imprisoned at the discretion of the justice not more than thirty days; and for a second offence, shall be liable to double the penalty; and for a third offence, shall receive not less than ten nor more than thirty-nine lashes, at the discretion of the court." Adopted.

Senator Wood moved to fill the blank in the 10th section with "within ten days after his muster." Adopted and bill ordered to be engrossed.

On motion of Senator Robinson, the Senate adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

ORDERS OF THE DAY.

Bill to authorize suits against the State. Read 2d time and ordered to be engrossed.

Bill to create the county of Titus. Referred to committee on County Boundaries.

Bill to authorize the Governor to suspend public officers in the discharge of their official duties. Read second time and referred to the Judiciary committee.

Bill to define in what manner judgments shall act as a lien on real estate. Read 2d time and referred to Judiciary committee.

Bill requiring the Governor to notify Chief Justices of counties of the appointment of Notaries Public, and having the same published in the newspapers. Read second time and referred to Judiciary committee.

Bill to be entitled "an act to give fines and penalties which may hereafter be imposed and assessed, in and by any court in this State, to the counties in which they are so imposed and assessed," on the report of the committee on Finance recommending its rejection.

On motion of Senator Robinson the report was laid on the table, and the bill re-committed to the Judiciary committee.

Bill for the relief of purchasers of town or city lots of the late Republic of Texas. Ordered to be engrossed.

Bill to repeal the 4th section of an act approved June 7th, 1837, authorizing the consolidation of and funding of the public debt, and prescribing the manner in which stock certificates of the said fund shall be transferred. Read 2d time and ordered to be engrossed.

BILLS READ FIRST TIME.

Bill to provide for the organization of the several counties in this State.

Bill to prescribe the manner of organizing the House of Representatives of the State of Texas.

Bill to define the boundaries of Robertson county.

Joint resolution for disposing of the public buildings in the city of Austin.

Bill to create the county of Limestone.

Bill to define the limits of the county of San Patricio.

Bill to raise a revenue by direct taxation.

Amendments of the House, to the Senate's bill to provide for the enumeration of the inhabitants of the State of Texas — The Senate refused to concur.

Amendments of the House to the Senate's bill creating the county of Smith.

On motion of Senator Parker, Senate refused to concur.

Amendments of the House to the Senate's bill creating the county of Cherokee. Senate refused to concur in the first amendment, and concurred in the second.

Senator Parker moved a reconsideration of the vote refusing to concur in the amendments of the House to the bill creating the county of Smith. Carried, and Senate concurred in the second amendment, but refused to concur in the first amendment.

Senator Phillips moved to take up a joint resolution, providing for the sale of the public domain. Lost.

Senator Hogg moved to take up a bill, to provide for the transfer of judicial proceedings from old to new counties.

On motion of Senator Robinson, the Senate adjourned until to-morrow morning, 9 o'clock.